IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

-

WRIT PETITION NO : 18980 of 1995

Between:

T.Sadasiva Reddy S/O Narsimha Reddy
R/O Vavillachenu(V) Tirumalaiahpalli(P)
Vedurukuppam(M) Chittoor Dist

..... PETITIONER

AND

1 The District Collector, Chittoor, Chittoor District.
2 The Joint Collector, Chittoor, Chittoor District.
3 The Mandal Revenue Officer, Vedurukuppam Mandal,

Chittoor District.
4 The Station House Officer, Vedurukuppam Police Station,

Chittoor District.
5 K.Chinnaswamy, Venugopalapuram Village,

Tirumallaiahpalli Post, Vedurukuppam Mandal, Chittoor
6 C.Gangaiah, Venugopalapuram Village, Tirumallaiahpalli Post,

Vedurukuppam Mandal, Chittoor District.
7 C.Siva Raju, Venugopalapuram Village, Tirumallaiahpalli Post,

Vedurukuppam Mandal, Chittoor District.
8 Smt.K.Siddamma, Venugopalapuram Village,

Tirumallaiahpalli Post, Vedurukuppam Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to

issue an Order or direction, more in the nature of Writ of Mandamus, declaring the action of the second respondent in directing the third respodnent to delete the name of the petitioner from No.2 Adangal and other Revenue records without notice or without giving any reasonable opportunity to the petitioner and further declaring the action of the second respondent in directing the fourth respondent not to grant any police aid contrary to the orders of the competent Civil Court in I.A.NOs.825 & 826/92 in O.S.NO.86/92 on the file of the court of the Subordinate Judge, Puttur, and totally contrary to the orders of this Hon'ble Court in W.P.M.P.No.21373 of 1992 in W.P.No.16851 of 1992, dated 26-2-1993, as wholly arbitrary, highly illegal, unjust, and unconstitutional, being violative of Arts.14, 21 and 300A of the Constitution of India and is also violative ofprinciples of natural justice, and contrary to the Board Standing Orders, and consequently direct the respondents 1 to 3, not to alter or change the Revenue records relating to the lands in Survey No.31/2 over an extent of Ac.3.02 cents and Survey No.31/4 over an extent of Ac.1.16 cents of Kondakindapalle Village Accounts, and further direct the respondent No.4 to grant police aid to the petitioner for implementation in pursuance of the orders of the Hon'ble Civil Court in I.A.No.825 and 826 of 1992 in O.S.No.86 of 1992, on the file of the Subordinate Judge, Puttur, to the petitioner, and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.JAGADISH CHANDRA PRASAD

Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

Counsel for the respondent Nos.5 to 8: None appeared

The Court made the following :

ORDER:

Seeking to declare the action of the 2nd respondent in directing the 3rd respondent to delete the name of the petitioner from No.2 Adangal and other revenue records without notice and also to declare the action of the 2nd respondent in directing the 4th respondent not to grant any police aid which is contrary to the orders of the competent civil court in I.A.Nos.825 & 826 of 1992 in O.S.No.86 of 1992 on the file of the Subordinate Judge, Puttur as arbitrary and illegal, the present writ petition has been filed.

Facts relevant to resolve the controversy in this writ petition are as follows:

The petitioner occupied the land admeasuring Ac.3-02 cents in S.No.31/2 and Ac.1.16 cents in S.No.31/4 of dry land of Kondakindapalle village

about 20 years ago, which was unfit for cultivation. By spending huge amounts, he brought the said land under cultivation. Further more, he has been paying the tax to the Government. Subsequently, he made representations to the respondents for grant of patta and the same are pending. When the respondents threatened him and some others to dispossess from the land in question, they filed O.S.No.86 of 1992 on the file of the learned Subordinate Judge, Puttur and obtained interim injunction in I.A.No.825 of 1992. He also filed I.A.No.826 of 1992 for police aid, which was allowed. While so, on 4-8-1995 the 2nd respondent directed the 3rd respondent to delete the name of the petitioner from the revenue records i.e., No.2 Adangal and substitute the same with that of respondents 5 to 8. Hence the present writ petition.

A Counter affidavit has been filed on behalf of the 3rd respondent in which it has been stated that originally the lands in question were leased out to the Harijan beneficiaries of Venugopalapuram village by the then Tahsildar, Puttur in 1973. Subsequently, DKT pattas were also issued to them. As the land in question is in possession and enjoyment of the assignees, there is no need for the respondents to issue any notice to the petitioner, who is a third party. The suit filed by the petitioner being O.S.No.86 of 1992 was also disposed of on 21-6-2002. The Joint Collector, Chittoor and the Revenue Divisional Officer, Chittoor have made a personal inspection of the suit schedule lands on 4-8-1995 and found that the assignees have been in possession and enjoyment of the land in question. After their inspection only, the entries in the village Adangal were corrected by deleting the false entries and entered the names of the persons who are actually under the enjoyment of the land.

As could be seen from the counter, it is apparent that the land in question has already been assigned to the assignees and they are in possession and enjoyment of the same and pursuant to the physical inspection by the revenue authorities, the wrong entries in the Revenue records have been deleted. If that being the case, the remedy that is available for the petitioner, is elsewhere, but not before this Court.

Looking to the over all facts and circumstances of the case and particularly in view of the averment made in the counter that the respondents

made a personal inspection to the lands in question and the assignees have already been in possession and enjoyment of the same, I do not see any merit in the writ petition.

Hence, the writ petition is dismissed. No costs.

24-03-2005

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Copy to

1 The District Collector, Chittoor Dist
2 The Joint Collector, Chittoor
3 The Mandal Revenue Officer, Vedurukuppam Mandal Chittoor
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8 Smt.K.Siddanna, Venugopalapuram Village Vedurukuppam Mandal Tirumallaiahpalli Post Chittoor

9 Two CCs to GP for Revenue, High Court buildings, Hyderabad

10. Two CD copies.